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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,213	10/03/2003	Jukka Pekka Yli-Korhonen	5292-10PCON	5960

27799 7590 01/06/2009
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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2453

MAIL DATE	DELIVERY MODE
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01/06/2009

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/679,213
Filing Date: October 03, 2003
Appellant(s): YLI-KORHONEN ET AL.

Alfred W. Froebrich
Reg. No. 38,887
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 22, 2008 appealing from the Office action mailed December 12, 2007.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2002/0046406	Chelehmal
6,289,314	Matsuzaki
US 2002/0049841	Johnson
7,069,234	Cornelius
6,973,499	Peden
7,082,466	Steegmans
6,249,869	Drupsteen
6,532,493	Aviani

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6,189,146	Misra
US 2002/0055847	Nakano
5,944,824	He
6,226,498	Tschorn

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,6-10,12-14,22-23,29,34-38,40-42,50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chelehmah et al. (Pub # 2002/0046406), and further in view of Matsuzaki et al. (US 6,289,314), herein referred to as Matsuzaki.

With respect to claims 1 and 29, Chelehmah et al teach a limitation for transmitting data generated by a content provider in a content server to a node of a data transmission connection used by a connection provider (see claim 17, lines 1-5, which teaches this limitation because on-demand data is transmitted from a content provider to a section of an IP network that is used by the content provider), transmitting the data of a service entity generated by the content provider from the node through the data transmission connection used by the connection provider to a subscriber terminal (see e.g. [0020], lines 14-16, which teaches this limitation because pay-per-view information is transmitted to a subscriber via the cable connection (as shown in sec. [0017], lines 6-8) used by the content provider within the managed network), identifying in the node individual transactions in the data to be transmitted to the subscriber terminal (see e.g. [0007], lines 1-3, which teaches this limitation because listings of video within on-demand video data are identified within the managed network), transmitting the identification information of the identified transactions from the node to the charging information system of the connection provider (see e.g. [0037], lines 8-11, which teaches this limitation because, in this instance, the inventions acts as a charging information system because the content server sends information about the selected content program and the charges billed to a subscriber to a set top box used by the provider to process content information), identifying in the charging information system the individual transactions in the chargeable service entity (see e.g. [0037], lines 8-11, which teaches this limitation because each movie or data purchased by the subscriber is identified within the managed IP network) based on the identification

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information of the identified transactions (see paragraph 37, where the charging is inherently based on identification information of the identified transactions in order to accurately charge the subscriber for the viewing the content)

Although the system disclosed by Chelehmal shows substantial features of the claimed invention (discussed above), it fails to disclose generating in the charging information system one content ticket for the chargeable service entity using the transactions in the chargeable service entity, and using the content ticket in billing for the chargeable service entity, whereby a subscriber associated with the subscriber terminal is billed only once for the accumulated charges of all the transactions in the chargeable service entity.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chelehmal, as evidenced by Matsuzaki.

In an analogous art, Matsuzaki discloses an information providing device that determines a charge for the pay information based on a coefficient of charge outputted from a terminal. Thereby charging based on a degree of actual use at a subscriber (i.e. user) side (see Abstract). Further showing generating in the charging information system one content ticket for the chargeable service entity using the transactions in the chargeable service entity (see column 20, lines 10-17, describing how a content ticket is generated (i.e. title, date/time to send pay information, and price) after an inputted request is received (i.e. transaction)), and using the content ticket in billing for the chargeable service entity, whereby a subscriber associated with the subscriber terminal is billed only once for the accumulated charges of all the transactions in the chargeable service entity (see column 21, lines 16-32, describing how the content ticket (title, date/time, price) is used to accumulate charges based on the coefficient of charge and the basic charge once a month implying that it is the accumulated charges of all transactions for that month)

Given the teaching of Matsuzaki, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chelehmal by employing a one time bill for accumulated charges, such as disclosed by Matsuzaki, in order to provide a pay information providing system capable of obtaining a charge for use in response to an actual degree of use at a user's side.

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With respect to claims 6 and 34, Chelehmal et al teach a limitation of defining a content identifier identifying the chargeable service entity (see e.g. [0030], lines 2-4, which teaches this limitation because a program identifier is used to identify each program selected by a user) and transmitting to the connection provider the content identifier associated with the transaction of the service entity to be transmitted to the subscriber terminal (see e.g. [0027], lines 15-18, which teaches this limitation because the head end device, associated with the provider or syndicator, sends a decoding key associated with each program requested by the subscriber to the subscriber's set top box after the subscriber sends a program request to the syndicator).

With respect to claims 7 and 35, Chelehmal et al teach a limitation of a content identifier being used to identify the transactions of the chargeable service entity (see e.g. [0030], lines 2-4, which teaches this limitation because a program identifier is used to identify each program charged to each user).

With respect to claims 8 and 36, Chelehmal et al teach a limitation of generating the content ticket of the chargeable service entity by using a content identifier (see e.g. [0020], lines 10-12, which teaches this limitation because the key that is generated to provide access for each program to the subscriber is created based on each program identifier).

With respect to claims 9 and 37, Chelehmal et al teach a limitation of generating, by the content provider, a content identifier associated with the individual transactions (see e.g. [0037], lines 15-18 and 21-22, which teaches this limitation because a program identifier, shown in sec. [0030], is associated with the program information generated by the provider and sent via the content server for each program ordered by a subscriber).

With respect to claims 10 and 38, Chelehmal et al teach a limitation of inserting a content identifier in the header information of the individual transactions of the service entity (see e.g. [0031], lines 13-17, which teaches this limitation because each program selected by a subscriber contains a header, the header includes content data correlating to the particular program selected).

With respect to claims 12 and 40, Chelehmal et al teach a limitation of transmitting a content identifier separate from the data of the individual transactions of the service entity (see e.g. [0030], lines

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2-4, which teaches this limitation because the program identifier transported isn't shown to be transmitted with the key sent to each subscriber for the particular charged content).

With respect to claims 13 and 41, Chelehmal et al teach a limitation of defining a service platform identifier identifying the service platform of the content provider (see e.g. [0006], lines 10-12, which teaches this limitation because information regarding each content provider used to transport data to each subscriber is embedded within a database. The prior art reads on the claim limitation because the applicant of application number 10/679213 specified that a service platform identifier was used to identify the service platform which each transaction originates and Chelehmal et al provides a database for each content provider and the corresponding services).

With respect to claims 14 and 42, Chelehmal et al teach a limitation of generating a service platform identifier by the content provider (see e.g. [0023], lines 9-13, which teaches this limitation because the content servers are used to identify particular information from the databases in which each content provider's information is stored).

With respect to claims 22 and 50, Chelehmal et al teach a limitation of a numerical IP address of a service used to identify the transactions of each chargeable service entity (see e.g. [0034], lines 1-5, which teaches this limitation because the IP address of each content server and each set top box is provided in order to track a listing of the requested content information from each subscriber).

With respect to claims 23 and 51, Chelehmal et al teach a limitation of a numerical IP address of the service used in generating a service platform identifier (see e.g. [0033], lines 14-16, which teaches this limitation because the user can access content server information through an ISP that is connected to the IP network (the prior art reads on the claimed limitation because the isp provides which service platform that the provider is in connection with to provide for the service to the user)).

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Claims 2, 4, 30, and 32 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehm al et al (Pub # 2002/0046406) in view of Matsuzaki as applied to claims 1 and 29 and further in view of Johnson et al (Pub # US 2002/0049841).

In reference to claims 2, 4, 30, and 32, Chelehm al et al teach a method including the limitation of charging data in a data network (see e.g. [0037], as stated above).

Chelehm al et al explicitly teach the limitations as disclosed above except for the data network being selected from a group comprising the internet or a mobile system employing a WAP and the charging information system being a WAP charging gateway.

The general concept of the data network being selected from a group comprising the internet or a mobile system employing a WAP and the charging information system being a WAP charging gateway is well known within the art as illustrated by Johnson et al, which discloses a method including limitations for a data network being selected from a group comprising a mobile system employing a WAP (see e.g. [0169], lines 53-64, which implies this limitation because the embodiments within the network processing system for providing content to subscribers may be implemented using a WAP protocol) and the charging information system being a WAP charging gateway (see e.g. [0095], lines 15-16, which implies this limitation because the content delivery system used to charge each user, may be embodied in the WAP processing subsystem, shown in sec. [0169]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehm al et al to include the use of the data network being selected from a group comprising the internet or a mobile system employing a WAP and the charging information system being a WAP charging gateway as taught by Johnson et al in order to effectively implement content providing services, as implied in sec. [0167], lines 53-64 of Johnson et al.

Claims 3 and 31 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehm al et al (Pub # 2002/0046406) in view Matsuzaki as applied to claims 1 and 29 above, and further in view of Cornelius et al (Pat # US 7,069,234).

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In reference to claim 3, Chelehmal et al teach a method including the limitation of generating in the charging information system one content ticket for each identified service entity (see e.g. [0027], as stated above).

Chelehmal et al explicitly teach the limitations as disclosed above except for generating transaction-specific tickets on the basis of the transactions by the connection provider.

The general concept of generating transaction-specific tickets on the basis of the transactions by the connection provider is well known within the art as illustrated by Cornelius et al, which discloses a method including limitations for generating transaction-specific tickets on the basis of the transactions by the connection provider (see spec, sec. 141, lines 14-15, which implies this limitation because trouble tickets are generated for transactions made between the provider and the subscriber).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehmal et al to include the use of generating transaction-specific tickets on the basis of the transactions by the connection provider as taught by Cornelius et al in order to establish successful transactions between a content provider and a subscriber, as implied in sec. 209, lines 20-26 of Cornelius et al.

Claims 5 and 33 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehmal et al (Pub # 2002/0046406) in view Matsuzaki as applied to claims 1,29 above and further in view of Peden et al (Pat # US 6,973,499).

In reference to claims 5 and 33, Chelehmal et al teach a method including the limitation of generating in the charging information system one content ticket for each identified service entity (see e.g. [0027], as stated above).

Chelehmal et al explicitly teach the limitations as disclosed above except for generating, by the connection provider, the content ticket on the basis of the transaction tickets generated on the basis of the individual transactions.

The general concept of generating, by the connection provider, the content ticket on the basis of the transaction tickets generated on the basis of the individual transactions is well known within the art as

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illustrated by Peden et al, which discloses a method including limitations for generating, by the connection provider, the content ticket on the basis of the transaction tickets generated on the basis of the individual transactions (see spec, sec. 5, lines 30-34, which implies this limitation because tickets are generated by a provider to a client, that include a key for each event in relation to the distributed content, which may be a pay-per-view program as shown in sec. 2, lines 14-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehmal et al to include the use of generating transaction-specific tickets on the basis of the transactions by the connection provider as taught by Peden et al in order to effectively implement a content management system, as implied in sec. 1, lines 20-22 of Peden et al.

Claims 15-17, and 43-45 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehmal et al (Pub # 2002/0046406) in view of Matsuzaki as applied to claims 1,29 above, further in view of Steegmans et al (Pat # US 7,082,466).

In reference to claims 15-17 and 43-45, Chelehmal et al teach a method including a limitation of generating a service platform identifier by the content provider (see e.g. [0023], as stated above).

Chelehmal et al explicitly teach the limitations as disclosed above except for transmitting a service platform identifier to the connection provider, the service platform identifier associated with the transaction of the service entity to be transmitted to the subscriber terminal, generating, by the connection provider, a service platform identifier associated with the individual transaction of the service entity to be transmitted to the subscriber terminal, and using a service platform identifier for identifying the transactions of the chargeable service entity.

The general concept of transmitting a service platform identifier to the connection provider, the service platform identifier associated with the transaction of the service entity to be transmitted to the subscriber terminal, generating, by the connection provider, a service platform identifier associated with the individual transaction of the service entity to be transmitted to the subscriber terminal, and using a service platform identifier for identifying the transactions of the chargeable service entity is well known within the art as illustrated by Steegmans et al, which discloses a method including limitations for

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transmitting a service platform identifier to a provider, the service platform identifier associated with the transaction of the service entity to be transmitted to the subscriber terminal (see spec, sec. 3, lines 28-31, which implies this limitation because components of the identified service platform of each service (as shown in sec. 1, lines 24-28) are deployed to domains of each consumer), generating, by the connection provider, a service platform identifier associated with the individual transaction of the service entity to be transmitted to the subscriber terminal (see spec, sec. 2, lines 1-2, which implies this limitation because a connection is established between a user and service provider in response to requests from components of the service platform, used to identify the service provider, is used to provide each service session (as shown in sec. 1, lines 38-40) and is deployed to the domain of each consumer), and using a service platform identifier for identifying the transactions of the chargeable service entity (see spec, sec. 2, lines 20-22, which implies this limitation because the service session in which the service platform provides for, is implemented with charging mechanisms).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehmal et al to include the use of transmitting a service platform identifier to the connection provider, the service platform identifier associated with the transaction of the service entity to be transmitted to the subscriber terminal, generating, by the connection provider, a service platform identifier associated with the individual transaction of the service entity to be transmitted to the subscriber terminal, and using a service platform identifier for identifying the transactions of the chargeable service entity as taught by Steegmans et al in order to improve upon implementing a content provider to have access to a service platform, as implied in sec. 1, lines 8-10 of Steegmans et al.

Claims 18 and 46 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehmal et al (Pub # 2002/0046406) in view of Matsuzaki as applied to claims 1 and 29 above and further in view of Drupsteen et al (Pat # US 6,249,869).

In reference to claim 18 and 46, Drupsteen et al teach a method including a limitation of generating a service platform identifier by the content provider (see e.g. [0023], as stated above).

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Chelehmal et al explicitly teach the limitations as disclosed above except for using a service platform identifier for generating the content ticket of the chargeable service entity.

The general concept of using a service platform identifier for generating the content ticket of the chargeable service entity is well known within the art as illustrated by Drupsteen et al, which discloses a method including limitations of using a service platform identifier for generating the content ticket of the chargeable service entity (see spec, sec. 12, lines 55-58, which implies this limitation because a service identifier is stored within each service definition to provide for the electronic tickets of each service, shown in lines 44-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehmal et al to include the use of using a service platform identifier for generating the content ticket of the chargeable service entity as taught by Drupsteen et al in order to successfully provide data relating to a service, as implied in sec. 1, lines 60-63 of Drupsteen et al.

Claims 11, 19-20, 39, and 47-48 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehmal et al (Pub # 2002/0046406) in view of Matsuzaki as applied to claims 1 and 29 and further in view of Aviani et al (Pat # US 6,532,493).

In reference to claims 11, 19-20, 39, and 47-48, Chelehmal et al teach a method including a limitation of generating a service platform identifier by the content provider (see e.g. [0023], as stated above).

Chelehmal et al explicitly teach the limitations as disclosed above except for inserting a content identifier in the http header information of the individual transactions of the service entity, inserting a service platform identifier in the header information of the individual transactions of the service entity, and inserting a service platform identifier in the http header information of the individual transactions of the service entity.

The general concept of inserting a content identifier in the http header information of the individual transactions of the service entity, inserting a service platform identifier in the header information of the individual transactions of the service entity, and inserting a service platform identifier in the http

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header information of the individual transactions of the service entity is well known within the art as illustrated by Aviani et al, which discloses a method including limitations for inserting a content identifier in the http header information of the individual transactions of the service entity (see spec, sec. 2, lines 28-30, which implies this limitation because the header information includes the requested content and the server for which each request was intended), transmitting of inserting a service platform identifier in the header information of the individual transactions of the service entity (see spec, sec. 6, lines 46-48, which implies this limitation because a header includes information regarding each service request relating to the data content requests, as shown in sec. 1, lines 30-33), and inserting a service platform identifier in the http header information of the individual transactions of the service entity (see spec, sec. 6, lines 44-48, which implies this limitation because the header used to stored the service platform information is an http header).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehmal et al to include the use of inserting a content identifier in the http header information of the individual transactions of the service entity, inserting a service platform identifier in the header information of the individual transactions of the service entity, and inserting a service platform identifier in the http header information of the individual transactions of the service entity as taught by Aviani et al in order to improve upon routing content between a client platform and a destination platform in a network traffic system, as implied in sec. 5, lines 1-5 of Aviani et al.

Claims 21 and 49 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehmal et al (Pub # 2002/0046406) in view of Matsuzaki as applied to claims 1,29 and further in view of Misra et al (Pat # US 6,189,146).

In reference to claim 21 and 49, Misra et al teach a method including a limitation of generating a service platform identifier by the content provider (see e.g. [0023], as stated above).

Chelehmal et al explicitly teach the limitations as disclosed above except for transmitting a service platform identifier separate from data of the individual transactions of the service entity.

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The general concept of transmitting a service platform identifier separate from data of the individual transactions of the service entity is well known within the art as illustrated by Misra et al, which discloses a method including limitations of transmitting a service platform identifier separate from data of the individual transactions of the service entity (see spec, sec. 16, lines 1-4, which implies this limitation because a platform identifier is submitted by a client and extracted (as shown in lines 33-34) separate from the service of the software license being to the client.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehmal et al to include the use of using transmitting a service platform identifier separate from data of the individual transactions of the service entity as taught by Misra et al in order to provide for services being distributed to clients, as implied in sec. 14, lines 1-3 of Misra et al.

Claims 24, 25, 52, and 53 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehmal et al (Pub # 2002/0046406) in view of Matsuzaki as applied to claims 1 and 29 above and further in view of Nakano et al (Pub # US 2002/0055847).

In reference to claims 24, 25, 52, and 53, Chelehmal et al teach a method including the limitation of charging data in a data network (see e.g. [0037], as stated above).

Chelehmal et al explicitly teach the limitations as disclosed above except for a URL address of the service used to identify the transactions of the chargeable service entity and a URL address of the service is used in generating the service platform identifier.

The general concept of a URL address of the service used to identify the transactions of the chargeable service entity and a URL address of the service is used in generating the service platform identifier is well known within the art as illustrated by Nakano et al, which discloses a URL address of the service used to identify the transactions of the chargeable service entity (see e.g. [0031], lines 1-3, which implies this limitation because a provider of the charged services connects the user to the service based on the URL location) and a URL address of the service is used in generating the service platform identifier (see e.g. [0024], lines 11-13, which implies this limitation because a user is allowed to browse

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the internet (containing the URL of each service) in order to access the content provided by each ISP host (the prior art reads on the claimed limitation because the ISP host provides which service platform that the content provider is in connection with to provide for the service to the subscriber).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehmal et al to include the use of a URL address of the service used to identify the transactions of the chargeable service entity and a URL address of the service is used in generating the service platform identifier as taught by Nakano et al in order to improve upon implementing billing transactions within a network, as implied in sec. [0010], lines 2-6 of Nakano et al.

Claims 26, 28, 54, and 56 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehmal et al (Pub # 2002/0046406) in view of Matsuzaki as applied to claims 26 and 29 above, and further in view of He (Pat # US 5,944,824).

In reference to claims 26, 28, 54, and 56, Chelehmal et al teach a method including the limitation of charging data in a data network (see e.g. [0037], as stated above).

Chelehmal et al explicitly teach the limitations as disclosed above except for attaching a user identifier to the content ticket and a user identifier attached to the content ticket is an IP address identifying the subscriber terminal in the Internet network.

The general concept of attaching a user identifier to the content ticket is well known within the art as illustrated by He, which discloses attaching a user identifier to the content ticket (see spec, sec. 10, lines 19-21, which implies this limitation because user identifiers are included within each network authentication ticket) and a user identifier attached to the content ticket is an IP address identifying the subscriber terminal in the Internet network (see spec, sec. 4, lines 38-41, which implies this limitation because the terminal server (which services each user), interfaces between each network element and an IP network).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehmal et al to include the use of attaching a user identifier to the content ticket and a user

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identifier attached to the content ticket is an IP address identifying the subscriber terminal in the Internet network as taught by He in order to improve upon user authentication processes, as implied in sec. 2, lines 27-31 of He.

Claims 27 and 55 are rejected under 35 U.S.C. 103 as being unpatentable over Chelehmal et al (Pub # 2002/0046406) in view of Matsuzaki as applied to claims 1, 29 above and further in view of Tschorn et al (Pat # US 6,226,498).

In reference to claims 27 and 55, Chelehmal et al teach a method including the limitation of charging data in a data network (see e.g. [0037], as stated above).

Chelehmal et al explicitly teach the limitations as disclosed above except for attaching a user identifier attached to the content ticket, which is the international ISDN number of the mobile subscriber.

The general concept of attaching a user identifier attached to the content ticket, which is the international ISDN number of the mobile subscriber is well known within the art as illustrated by Tschorn et al, which discloses a user identifier attached to the content ticket, which is the international ISDN number of the mobile subscriber (see spec, sec. 5, lines 48-51, which implies this limitation because a supervision ticket generated for user authorizations is associated with the ISDN number of each subscriber).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chelehmal et al to include the use of attaching a user identifier attached to the content ticket, which is the international ISDN number of the mobile subscriber as taught by Tschorn et al in order to improve upon implementing a mobile communication subscription service, as implied in sec. 1, lines 50-52 of Tschorn et al.

(10) Response to Argument

A) Appellant contends that Chelehmal does not expressly disclose identifying individual transactions in the data to be transmitted to the subscriber terminal.

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In considering A), the Examiner respectfully disagrees. Chelehmal identifies individual transactions in the data to be transmitted to the subscriber terminal because each requested video from the subscriber is considered an individual transaction. That is, each transaction is processed, billed, and sent to the subscriber after a subscriber request for the data. The claim does not mention that the individual data cannot be from a user request.

B) Appellant contends that Chelehmal does not expressly disclose that a transaction is identified in each piece of data.

In considering B), in response to applicant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which applicant relies (i.e., a transaction is identified in each piece of data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It appears that the Appellant wishes to claim that individual transactions in the data is a subset of the data as a whole. However, it is not clearly claimed that a transaction is identified in each piece of data from a subset of data. The individual transactions in the data is considered the individual requests for video. That is one individual transaction per one video requested from a plurality of videos that could be requested from single user out of a plurality of users.

C) Appellant contends that the present invention identifies the transaction of the data to be transmitted because the transmission of data is associated with a cost for connection time to deliver the data.

In considering C), the Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which appellant relies (i.e., identifying the transaction of the data to be transmitted because the transmission of data is associated with a cost for connection time to deliver the data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

D) Appellant contends that Chelehmal does not disclose transmitting identification information of the identified transactions from the node to a charging information system of the connection provider.

In considering D), the Examiner respectfully disagrees. Since the Examiner is taking the position of the individual transaction data being an individual user requesting a video from the provider and being billed for it, the Examiner believes that the identification information is considered the ID of the set top box. Identification information of the identified transactions is still sent to a charging information system of the connection provider because it is disclosed that charges will be billed according to the content that is requested. Furthermore, the ID of the set top box where the content is being transmitted and billed is identified so the server can send a signal to the set top box confirming the request.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Philip J Chea/

Examiner, Art Unit 2453

12/30/08

Conferees:

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Primary Examiner, Art Unit 2457

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